



Lower Duwamish Waterway Site Seattle, Washington



Comments Requested on the Lower Duwamish Waterway Site Public Meeting Scheduled for August 16, 2000

A recent study by the U.S. Environmental Protection Agency (EPA) has confirmed that contaminated sediments are present in a five-mile stretch of the Lower Duwamish Waterway, from the southern tip of Harbor Island to just south of the turning basin near the Norfolk combined sewer overflow (see map). The contaminants, which may pose risks to people, and to fish and other wildlife, include polychlorinated biphenyls (PCBs), poly-aromatic hydrocarbons (PAHs), mercury and other metals, and phthalates. The contaminant levels are high enough that the Lower Duwamish Waterway Site could be proposed for EPA's National Priorities List of the nation's most contaminated hazardous waste sites, also known as the Superfund list.

In order to further investigate the contamination, assess potential risks to human health and the environment, and evaluate cleanup alternatives, EPA and the Washington State Department of Ecology (Ecology) are proposing an agreement with four of the major property owners on the waterway with potential liability for cleanup of the site. These four are the Port of Seattle, King County, the City of Seattle and The Boeing Company. For this site, they are known as the Lower Duwamish Waterway Group.

The following draft documents are available for comment and are discussed later in this fact sheet:

- Administrative Order on Consent (AOC)
- Remedial Investigation/Feasibility Study (RI/FS) Statement of Work (AOC Attachment A)

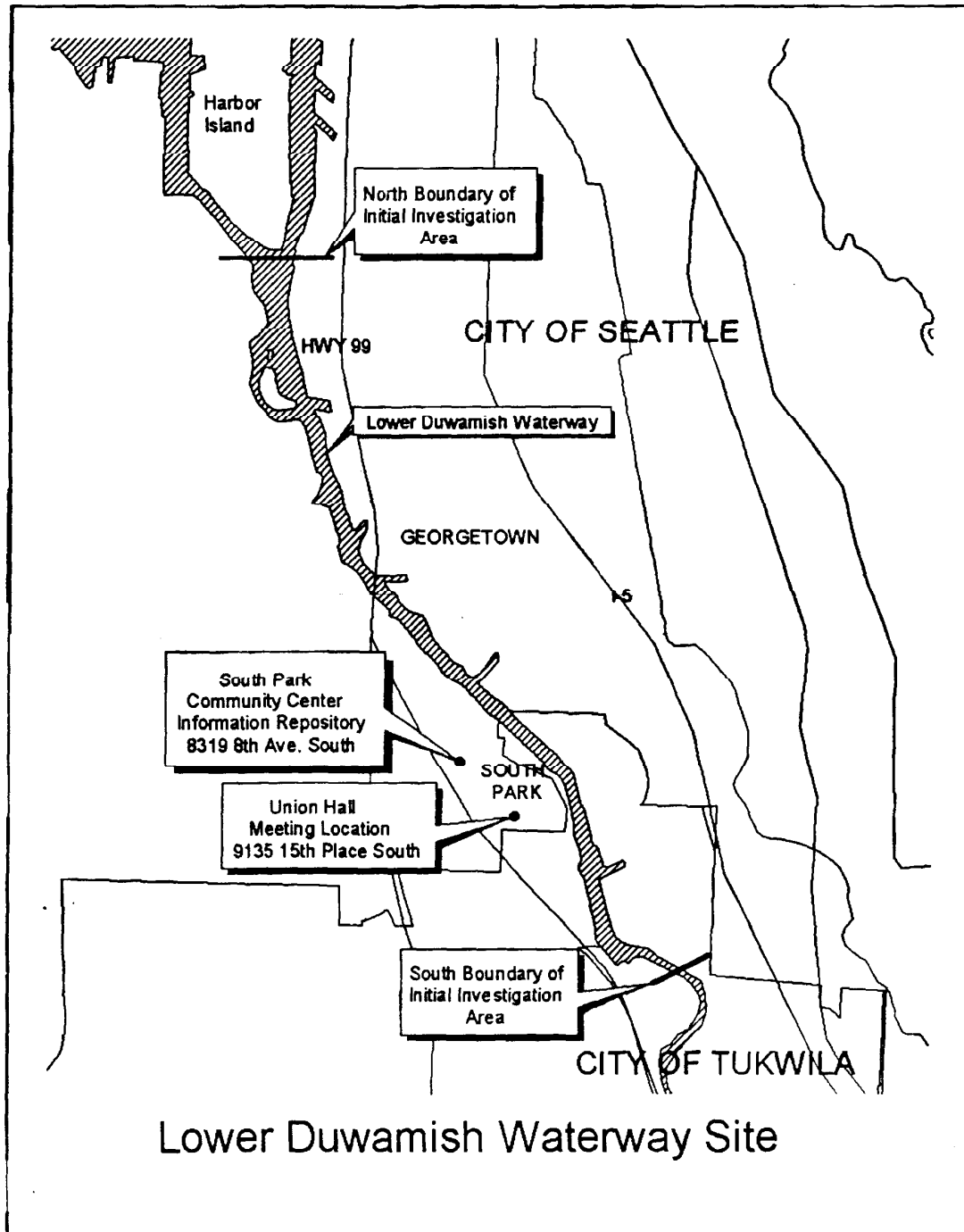
Copies of these documents are available for review at the information repositories and the web site listed at the end of this fact sheet.

Discussing and Commenting on the Proposed Agreement

EPA and Ecology will hold a public meeting on the Lower Duwamish Waterway Site on **Wednesday, August 16, 2000, from 7:00 pm to 9:00 pm at the Union Hall at 9135 15th Place South in Seattle** (see map). At the meeting, representatives from EPA and Ecology will provide information about the site and the proposed agreement. There will also be an opportunity for you to ask questions and make comments on the agreement. In addition, you may submit written comments on the proposed agreement until **September 1, 2000**. They should be sent to Cindy Colgate, U.S. EPA, 1200 Sixth Avenue, Seattle, WA, 98101. Ecology and EPA will review all comments received.

Community Advisory Group Forming

A community advisory group is forming for the Lower Duwamish Waterway Site. The group will receive financial support to hire an independent technical advisor and to help them conduct independent community outreach. The group's activities will include providing independent technical oversight of the Lower Duwamish Waterway Site and exchanging information with the communities near the site. The community advisory group is open for membership. If you are interested in joining this group, or if you would like more information, please contact Rick Huey or Cindy Colgate at the phone numbers at the end of this fact sheet.



EPA, Ecology, and the Lower Duwamish Waterway Group Working Together

EPA and Ecology have established a partnership to oversee the investigation of sediment contamination and evaluation of cleanup alternatives for the site, as described in the Remedial Investigation/Feasibility Study (RI/FS) Statement of Work. Features of the EPA/Ecology approach to the Lower Duwamish Waterway Site include the following:

- EPA is not proposing the site to the Superfund list at this time.
- Ecology and EPA are combining their resources for this large, complex project.
- The Lower Duwamish Waterway Group has stepped forward to conduct the RI/FS and fulfill the requirements of all relevant federal and state laws.
- As government agencies, the Port of Seattle, King County, and the City of Seattle are eligible for state grants that could help pay for a significant portion of the RI/FS.

Meeting Legal Requirements and Approving the Administrative Order on Consent

The proposed legal agreement, called an administrative order on consent (AOC), is between Ecology and EPA, and the Lower Duwamish Waterway Group. The AOC would ensure that the RI/FS meets the requirements of the state Model Toxics Control Act (MTCA), the state Sediment Management Standards, and the federal Superfund law.

The proposed AOC would require King County and the Port of Seattle to complete the RI/FS. The City of Seattle and The Boeing Company would have the right to withdraw from the agreement at the conclusion of either Phase I or Phase II of the remedial investigation (RI), which is discussed later in this fact sheet. Withdrawal

from this agreement would not release the City of Seattle or The Boeing Company from any liability they may have for contaminated sediment cleanup or source control in the Lower Duwamish Waterway.

EPA and Ecology will consider comments received during the public comment period before the agencies sign the AOC. In addition, the Lower Duwamish Waterway Group must meet the conditions below before EPA and Ecology sign the agreement. If these conditions are not met, EPA may proceed with proposing the Lower Duwamish Waterway Site to the Superfund list.

- Funding for a community advisory group to participate in the technical review of the site and conduct public outreach activities. An agreement for this funding is being negotiated.
- Funding for the Muckleshoot Tribe and the Suquamish Tribe to participate in the technical review of the site. An agreement for this funding is being negotiated.
- Agreements that protect the rights of the Natural Resource Trustees to pursue claims for damaged natural resources. Trustees for the Lower Duwamish Waterway include the National Oceanic and Atmospheric Administration (NOAA), the Muckleshoot and Suquamish Tribes, the U.S. Fish and Wildlife Service, and the State of Washington.

The Superfund law designates Trustees to protect and restore natural resources. These Trustees have the ability to collect damages from parties that release contaminants into the environment that harm natural resources. When EPA places a site on the Superfund list, the Trustees can bring damage claims up to three years after the cleanup is completed. Without a Superfund listing, they must bring claims within three years of discovering damages and identifying the parties that caused them.

In order for EPA not to propose the Lower Duwamish Waterway Site to the Superfund list at this time, it is critical that the Trustees obtain appropriate agreements. These agreements must extend the time frame during which the Trustees can bring claims for natural resource damage to the same time frame that would be available if the site were a Superfund site, or else there must be an alternative agreement acceptable to the Trustees. EPA has made this a condition for not proposing Superfund listing at other sites involving natural resource damage claims.

At this site, agreements will not be required from King County and the City of Seattle, because they have already settled natural resource damage claims with the Trustees. The agreements are now being discussed with the other two members of the Lower Duwamish Waterway Group, The Boeing Company and the Port of Seattle. Boeing currently has an agreement with the Trustees. However, the Trustees have informed Ecology and EPA that this agreement is insufficient to protect their claims. The Port has indicated a willingness to sign a more comprehensive agreement if Boeing will.

Investigating the Site and Evaluating Cleanup Alternatives

The major goal of the AOC is to ensure the completion of the Lower Duwamish Waterway Site RI/FS, as detailed in the attachment called the Statement of Work. The RI will determine the nature and extent of sediment contamination, and the FS will evaluate cleanup alternatives. The RI will also begin the investigation of ongoing sources of sediment contamination. The RI will be completed in two phases:

- Phase I will consist of compiling and evaluating existing information on environmental conditions, such as contaminants in the river sediments and chemical residues in fish tissue; determining what additional information will be collected during Phase II; and

identifying priority areas for sediment cleanup (early action areas).

- Phase II will include analysis of human and ecological risks, and sampling necessary to determine additional areas for sediment cleanup (long-term action areas).

After the completion of the RI/FS, cleanup plans will be developed for each early action and long-term action area. In addition, sources of contamination will be evaluated and controlled to prevent or minimize recontamination. Separate legal agreements for the actual cleanup work may include different parties.

Meeting Water Quality Requirements for Contaminated Sediments

The Lower Duwamish Waterway does not meet water quality standards for contaminated sediments, temperature, fecal coliform, and pH, which is a measure of acidity or alkalinity. The federal Clean Water Act requires states to identify sources of pollution in waters that fail to meet water quality standards and to establish limits on pollution that can be discharged to those waters. The limits are called Total Maximum Daily Loads (TMDLs).

Ecology and EPA intend to incorporate the Clean Water Act TMDL requirements into the RI/FS and the cleanup of contaminated sediments in the waterway. Because temperature, fecal coliform, and pH are not sediment problems, they will be addressed outside the RI/FS process.

Working with Lower Duwamish Waterway Site Stakeholders

EPA and Ecology will work with many stakeholders for this site, including the following:

- Lower Duwamish Waterway Group (King County, City of Seattle, Port of Seattle, and The Boeing Company) – These four parties have been negotiating with EPA

and Ecology on the RI/FS. These major parties are not the only potentially liable parties for sediment cleanup in the Lower Duwamish Waterway.

- Tribes – The Muckleshoot Tribe has treaty rights to fish in the Lower Duwamish Waterway, and the Suquamish Tribe has limited rights to fish in the waterway. These tribes are very active in fisheries, sediment cleanup, habitat restoration, and water quality issues in the waterway.
- Community Groups/General Public – Community groups working on environmental, public health and community development issues, and the general public have shown a strong interest in the Lower Duwamish Waterway. Site documents will be open to public review at each major step, as directed by the public involvement requirements of Superfund and MTCA.
- Natural Resource Trustees – The Trustees work to restore habitat in the Lower Duwamish Waterway that has been impacted by contamination. They will be major participants in the investigation, cleanup, and restoration of the site.
- National Marine Fisheries Service and U.S. Fish and Wildlife Service – EPA and Ecology will consult with these services on the effects that actions on the Lower Duwamish Waterway might have on species listed under the federal Endangered Species Act, or critical habitat for these species.
- Local Industry/Business – The Lower Duwamish Waterway is home to many vital industries and businesses, which make a major contribution to the

economy of the Pacific Northwest and have an interest in the site.

Developing a Public Participation Plan

Ecology and EPA are developing a public participation plan to describe how the agencies will involve the community in the Lower Duwamish Waterway Site. The plan will be available for public review, and it will be updated as needed. If you would like to be interviewed to provide input for this plan, please contact Rick Huey or Cindy Colgate at the phone numbers at the end of this fact sheet.

More Information

All documents available for comment, as well as a 1999 EPA report on the Lower Duwamish River, are available for review at the following locations:

South Park Community Center, 8319 Eighth Avenue South, Seattle, WA 98101

EPA Region 10 Records Center, 1200 Sixth Avenue, Seattle, WA 98101

Department of Ecology, 3190 160th Avenue SE, Bellevue, WA 98008

These documents are also available on the EPA Region 10 web site:

<http://www.epa.gov/r10earth/>

Click on "Index," then "L," and then "Lower Duwamish Waterway Site."

If you have questions or need more information,

please contact one of the following Ecology and EPA representatives for the Lower Duwamish Waterway Site:

Rick Huey, Ecology Project Manager
425-649-7256
email: rhue461@ecy.wa.gov

Loren McPhillips, EPA Project Manager
206-553-4903 or toll-free at 1-800-424-4372

Cindy Colgate, EPA Community Involvement Coordinator
206-553-1815 or toll-free at 1-800-424-4372

Additional Services

Si usted desea que la reunión pública de Agosto 16, 2000, sea interpretado al Español, por favor llame al 206-553-1287 para pedir ese servicio. Puede dejar un mensaje en Español si nadie contesta el teléfono. Deje su numero de teléfono y le volveremos a llamar para confirmarlo.

To ensure effective communication with everyone, additional services can be made available to persons with disabilities by contacting one of the EPA representatives listed above.



United States
Environmental Protection
Agency

Region 10 (ECO-081)
1200 Sixth Avenue
Seattle WA 98101

Lower Duwamish Waterway Site
Seattle, Washington